GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

RULES – The Andhra Pradesh Brewery Rules, 2006 – Amendments – Orders – Issued.

REVENUE (EXCISE.II) DEPARTMENT

G.O.Ms.No.40 **Dated:30.01.2016**
Read the following:-

1. G.O.Ms.No.92, Revenue (Ex.III) Department, dt. 27.01.2007.
2. From the CPE, Lr.No.B2/1713/2010/DDB/Ex., dt.25.06.2015

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O R D E R :-

The following notification will be published in an Extra-Ordinary Issue of the Andhra Pradesh Gazette, dated the 4th February, 2016:

NOTIFICATION

In exercise of the powers conferred by section 72 read with sections 13,15,16,17,18,22,23,28 and 29 of the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act No.17 of 1968), the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Brewery Rules, 2006 issued in G.O.Ms.No.92, Revenue (Ex.III) Department, dated the 27th January, 2007 and published in Andhra Pradesh Gazette, Rules Supplement to Part-I Extra-ordinary, dated the 29th January, 2007 and as subsequently amended from time to time.

AMENDMENTS

In the said rules,-

(1) in rule 2, after sub rule (ss), the following shall be inserted, namely, -

"(sss) Micro Brewery :

Micro Brewery means a small brewery situated on the premises of a 2 B license under the A.P. Excise (Grant of Licence of selling by Bar and conditions of licence) Rules, 2005, where draught beer is manufactured and served for consumption in glasses or pitchers within the premises. The installed capacity of such Micro Brewery shall not exceed 1000 BLs per day and shall be permitted in the municipal corporations only."

(2). after Rule 5, the following shall be inserted, namely,-

"5A : Restrictions on the grant of licenses for Micro Breweries.

The serving area of Micro Brewery shall be a minimum of 5000 Sq ft. plus space required for the brewery unit and other standard facilities.

P.T.O

5B : Procedure for grant of licence for Micro Brewery."

(i) The application for grant of licence for Micro Brewery shall be in Form MB-I and may be submitted to the Commissioner of Prohibition & Excise along with a challan for Rs 1,00,000. The following documents shall be enclosed:

(1) Description and drawings for the construction of proposed micro brewery.

(2) An undertaking in the prescribed form on a non-judicial stamp paper of the requisite value as per Indian Stamp Act binding the applicant that he shall erect equipment as per standards as may be prescribed by the Commissioner from time to time for maintaining the specifications and quality of products.

(3) A Declaration in form MB IA.

(ii) The Commissioner after causing such enquiry as he may deem fit and after satisfying himself of the bonafides and capabilities of the applicant may grant prior clearance in Form MB II for Micro Brewery.

(iii) After receipt of prior clearance, the applicant shall erect the equipment within six months, failing which the money paid vide sub rule (i) above be forfeited.

(iv) The license fee for the Micro Brewery shall be Re 0.25 per Bulk Litre or to a minimum of Rs 90,000/- per annum.

(v) As soon as the equipment is installed, the prior clearance holder shall submit an application in Form AL-IA in respect of Micro Brewery, to the Commissioner along with the challan towards the licence fee for grant of license.

The following documents shall be submitted:

1. No Objection Certificate from the Andhra Pradesh Pollution Control Board.
2. No Objection Certificate from the local Body competent to issue.
3. Counterpart agreement.

(vi) Where the Commissioner is satisfied that the prior clearance holder has fulfilled the conditions and is ready to make beer according to the specifications and quality standards, he may grant a licence in Form MBL-IB to Micro Brewery.

(vii) In case the prior clearance holder fails to operate the Micro Brewery according to specifications and quality standards, the prior clearance granted shall be liable for cancellation without compensation for any damage or loss.

(viii) The license holder shall get the labels of the different varieties of beer he proposes to make approved by the Commissioner of Prohibition & Excise as laid down in Rules 15 of the A.P Brewery Rules, 2006. The fee payable for approval of labels shall be Rs.2,000/- per label per year or part thereof.

Contd..3.

(ix) The duty and other levies on draught beer declared at the BBT shall be on par with that of being done in A.P. Brewery Rules, 2006.

(x) The records in the Micro Brewery shall be maintained in Form MB I to IV.

(xi) Beer shall not be bottled / sold outside the premises.

(xii) The licensee shall deploy a chemist holding a degree in Science with Chemistry as one of the subject preferably:

1. Organic Chemistry (or)
2. Bio-Chemistry (or)
3. Specialisation in Alcohol Technology.
4. Must hire full time head brewer with at least 7 years industrial experience and must be certified by reputed brewing educational programme. Foreign work experience and foreign educational institutions are accepted.

(xiii) The analysis report of the chemist shall be countersigned by authorized officer.

(xiv) The beer so produced shall be released for sale after its certification as fit for human consumption by the said chemist.

(xv) Sample from each batch shall be sent to the Chemical Examiner and it shall be passed by the Chemical Examiner.

(xvi) The report so obtained thereon shall be displayed predominantly at all placed accessible for the consumers in the Microbrewery premises.

(xvii) The shelf life of the beer manufactured in microbrewery shall be 36 hours only.

(xviii) The procedure of drawal and sale of such draught beer will be on par with that being followed in the case of draught beer manufactured by other regular brewery.

CONDITIONS

1. The licensee shall be bound by the provisions of the A.P. Excise Act, 1968. Notifications, Rules and orders made or issued thereunder and the A.P. Excise (Brewery) Rules, 2006.

2. The licensee shall observe such rules as may be prescribed by the Government or such instructions and orders as may be issued by the Commissioner from time to time in regard to the control of the manufacture, possession and serving.

3. The licensee shall be bound by such orders as may be passed by Government or the Commissioner concerning the process of manufacture to be adopted and the standards and quality of beer to be produced and served.

4. The licensee shall provide a saccharometer and a thermometer of a kind to be approved by the Commissioner for testing the gravity of wort in the Brewery. A Hydrometer shall also be provided for testing the strength of the draught beer.

P.T.O

5. The alcohol content of the beers produced supplied to the customers shall not exceed 8% V/V.

6. The pH, temperature and gravities of the brews up to maturation stage should recorded and the same is subject to inspection as and when called for by a competent authority.

7. The premises to be maintained neat and clean with proper ventilation, lighting and the meet all safety and emergency standards and the beer dispensing system including glasses, serving tables etc to be maintained hygienically at all times.

8. Periodic fumigation by certified persons of the storage facility as well as the premises to be done on a routine basis and records maintained.

9. Under no circumstances is beer or any alcoholic drinks to be served to under aged persons.

10. The payments of the license fees and excise duty as specified is to paid in advance.

11. The licensee shall strictly maintain timing of serving of beer to customers as prescribed.

12. The licensee is prohibited from manufacturing any of the beers, save the ones specially instructed.

13. The account of the transactions in the Microbrewery relating to issue shall be maintained in such manner as may be required by the Commissioner.

14. The licensee shall furnish any statistics relating to manufacture and the sale of beer that may be required when called upon to do so by any component authority.

15. For any breach of the rules or the conditions of the license, the Commissioner may after giving a fortnight’s notice to the licensee suspend or cancel the licensee. The licensee shall not be entitled to any compensation on account of such suspension or cancellation.

Contd..5.

Form MB-I
(See rule 5B)
Application for grant of Microbrewery

To,

The Commissioner of Prohibition & Excise, A.P. Hyderabad

1. Name/s of the Applicant/s with full postal address.
2. Details of 2B Bar
3. Total area of the premises in Sq.metres.
4. Total built up area in Sft.
5. Area of the dining hall in Sft.
6. Area of the parking in Sq.Meters.
7. The amount of capital proposed to be invested.
8. The name and description of the Place in which the Microbrewery is situated.
9. Whether project report is submitted.
10. Descriptions of vessels and other permanent apparatus.
11. Production capacity of the Microbrewery per day/per annum.
12. Whether Application has enclosed the treasury challan for Having credited the prescribed prior clearance fees if so, challan number and date.

Signature of Application

Place:-
Date:-

Form-MB-II
(See rule-5)
(Prior Clearance for Grant of License to Micro Brewery)

Cr.No. Date:.....

Sri.....,S/o.....,R/o..... holder of a trade license for the year..... issued by.....local authority / Municipality / Municipal Corporation in the name and style of M/s ..... Area / Locality..... At D.No..... Town/City.....is granted prior clearance for grant of license for Micro Brewery.

The grant of prior clearance shall not confer any right on the applicant for grant of license. The holder shall not claim for any compensation or loss in the event of not granting license.

Commissioner of Prohibition & Excise

To
Sri.....
Copy to the Deputy Commissioner of Prohibition & Excise.....
Copy to the Prohibition & Excise Superintendent.....

Form AL I A

(See rule 5B V)

Application for grant of Microbrewery

To,

The Commissioner of Prohibition & Excise, A.P. Hyderabad

1. Name/s of the Applicant/s with full postal address.
2. Details of 2B Bar.
3. Total area of the premises in Sq.Meters.
4. Total built up area in Sft.
5. The amount of capital invested.
6. Descriptions of vessels and other permanent apparatus.
7. Whether drawings of plant and machinery enclosed.
8. Whether No Objection Certificate from APPCB enclosed, if so no & date.
9. Whether No Objection Certificate from local body enclosed, if so no & date.

Signature of Application

Place:-
Date:-

Form MBL I
(See rule 5B VI)
Microbrewery License

I..... Commissioner of Prohibition & Excise A.P. under the provisions of rules 5B of the A.P. Brewery Rules,2006 hereby license you.....(hereinafter called the licensee) to manufacture and serve Beer in your premises at.....from.....to..... subject to the following conditions to be observed by you, the Licensee.

Commissioner of Prohibition & Excise
Andhra Pradesh
Hyderabad

Date:-

Contd..7.

Form MB IA
Declaration

1. I/we hereby declare that the particulars mentioned in the application are correct.
2. I/we am/are not convicted of any offence under the A.P. Excise Act or Rules made there-under or any of the cognizable or non-bailable offences under any other law.
3. I/we have gone through the A.P. (Brewery) Rules 2006 relating to the license applied for by me/us hereunder and am/are conversant with the provisions thereof.
4. I/we hereby undertake to abide by the conditions of the license and provisions of the A.P. Excise Act, 1968 and the Rules and regulations made there-under.

Signature of Application

Place:-
Date:-

Undertaking
Form MB-IB
(See rule 5B)
N J S

I/we.....,S/o....., R/o.....hereby undertake that I/we shall erect the equipment as per the standards as may be prescribed by the Commissioner from time to time for maintaining the speci][
fications and quality of products.

Signature of Application

Place:-
Date:-

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery & Stores Purchase (Printing Wing) Department, A.P., Hyderabad. (He is requested to furnish 200 copies each to Government and Commissioner of Prohibition & Excise and 50 copies to Commissioner of Information and Public Relations).
The Commissioner of Prohibition and Excise, A.P., Hyderabad.
The Managing Director, Andhra Pradesh Beverages Corporation Limited Hyderabad.
Copy to:-
The P.S. to Minister for Prohibition & Excise.
The P.S. to Spl. CS to Govt., Revenue Department.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER